

REMARKS

As explained at page 4 line 24 to page 5 line 7, a major feature of the present invention is simplification of the calculation of perceived temperature by making an approximation based on the assumption that temperature measurements are measured at a specific relative humidity, for example 50%. Claims 1 and 10 have been amended and claim 44 has been added directed to these features.

Claims 1 and 10-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,170,935 (*Federspiel et al.*).

As pointed out in response to the previous action,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

This is not the case here. Nothing in *Federspiel* points to use of a calculation for perceived temperature using an approximation as now specified. Claims 1 and 10 are therefore novel and meet the requirements of 35 USC 102.

As to the question of obviousness, in the advisory action, the examiner takes the view that the language used previously does not find support in the priority application AU 2004901054. The applicants respectfully disagree and point out that the passage at page 4 line 26 to page 5 line 14 of the Australian provisional provides support for calculation limitation as previously specified. It is, however, believed that the current language makes it even more clear that claims 1 and 10 are entitled to the claimed priority and that as a consequence the NPL

document (*Barnwell*) is not a valid reference against this application. This being the case, the examiner's argument on obviousness also fails since the *barnwell* reference is an essential component thereof.

For at least reasons and those submitted in response to the final rejection, it is submitted that the requirements of 35 USC 103 have been met.

In view of the foregoing, it is submitted that this application is in order for allowance and an early action to this end is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Richards', is written over a horizontal line.

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